



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/333,703 06/16/99 TANG

P 243/245

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HM12/1003

EXAMINER

CRIARES, T

ART UNIT

PAPER NUMBER

1617

DATE MAILED:

10/03/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/333,703

Applicant(s)

Tang et al

Examiner

Theodore J. Criares

Group Art Unit

1617



☒ Responsive to communication(s) filed on Jun 16, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-15 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1617

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6 - Drawn to a method of treating endometriosis;
- II. Claim 7 - Drawn to a method of treating arthritis; and
- III. Claims 8-15, Drawn to an assay procedure.

Inventions of Group I, Group II and III are separate and distinct since they have acquired a separate status in the pharmaceutical arts. The etiology of proliferation of cells Group I is different from the etiology of arthritis Group II. The assay for compounds to be used in the treatment of the various medical disorders Group III is different from the method of treatment thereof Groups I and II. A search of the assay procedures requires a search in Class 436 whereas a search of the compounds for the treatment of medical disorders are classified in class 514. The various searches would be an ~~extrordinary~~^d *extraordinary* burden on the examiner especially in the literature search.

Further restriction may be required.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

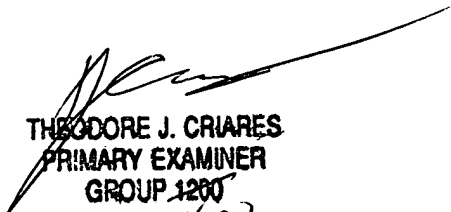
Application/Control Number: 09/333,703

Page 3

Art Unit: 1617

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Criares whose telephone number is (703) 308-4607.

September 29, 2000


THEODORE J. CRIARES
PRIMARY EXAMINER
GROUP 1200
1600